



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,201	08/30/2000	Hirohito Kondo	450100-02666	2236

20999 7590 10/05/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,201

Applicant(s)

KONDO ET AL.

Examiner

CUONG T THAI

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May/03/04 Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 6 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2173

PART III DETAILED ACTION

1. This action is responsive to Amendment filed on May/03/2004.
2. Claims 3, 6, and 9 are presented for examination. Claims 1-2, 4-5, and 7-8 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. (USPN: 6,476, 794) hereinafter Kataoka as applied to claims above in view of Goldenberg et al. (USPN: 6,636,197) hereinafter Goldenberg.

As per claims 3 (device), 6 (method) and 9 (storage medium), Kataoka discloses an information device comprising:

A display means for displaying a setting screen for the predetermined object to be operated on the display screen is taught by Kataoka as the technique of a display system 13 and a Climate control; Audio and Visual; Traffic Information setting screens (see Figs. 7, 10);

A selecting and adjusting means for selecting any one of a plural number of menu items from said setting screen displayed on said display screen according to a rotation and push

Art Unit: 2173

operation is taught by Kataoka as the technique of display system 131 allows user to select any one of menus of Tokyo, Chiba, Urawa, and Yokohama Traffic information according to the operation switch 121 (see col. 8, lines 48-51 and see Fig. 13) and for adjusting a setting condition with regard to said selected menu item according to the rotation and push operation is taught by Kataoka as the technique of the C-switches are constituted by a push/rotation switch C-1, and respective push/pull switches C-2 to C-5. In the case of Fig. 3 in which the A/C (air condition) mode is selected, the respective switches C1 to C5 have specific function as follows: the C-switch C-1 can switch on/off power supply of the air conditioner alternately by pushing the C1 switch. In addition the C-1 can also rotate. The C-switch C-2 displays the menu screen. The C-switch C-3 turns the air compressor on. The C-switch C-4 circulates the outside air in the air conditioner. The C-switch C-5 turns full automatic running of the air conditioner (see col. 5, lines 25-43);

A control means for setting said object to setting condition adjusted by said selecting and adjusting is taught by Kataoka as the technique of Fig. 7 shows the screen displayed in every mode in detail. In the audio mode, which has a large number of functions to be selected, four indications are displayed in accordance with the selected functions (see col. 8, lines 26-29 and see Fig. 7).

Kataoka, however, does not disclose the limitation of selecting and adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation.

Art Unit: 2173

Goldenberg discloses the limitation of selecting and adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation as the technique of using rotation and rotation of knob 26 for moving marker 34 through the listing display 14 (see Fig. 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Goldenberg's teaching of selecting and adjusting means moves the marker display with regard to multiple marker columns provided corresponding to setting item according to rotation operation and adjusting to said setting condition corresponding to the stop position of said marker display according to push operation into that of Tataoka's invention. By doing so, the system would be enhanced by allowing user to perform marking selection based on user's rotation and push operations. This would be eliminate incidentally selection, thus it would provide an enhanced tool to system's user.

Conclusion

5. A shortened statutory period for response to this action is set to expire **THREE MONTHS, ZERO DAYS** from the mailing date of this action. Failure to respond within the period for response will cause the application to be abandoned. See 35 U.S.C. 133.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234 through the month of October, 2004 and at (571) 272-4056 thereafter. The examiner can normally be reached on 8:00 am - 4:00 pm.


Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeza can be reached on (703) 308-3116 through the month of October, 2004 and at (571) 272-4048 thereafter. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CUONG T THAI
Examiner
Art Unit 2173

September 30, 2004.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173